

1745

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP*Intellectual Property Law*
Patents • Trademarks • CopyrightsTen Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 - Fax. 617. 451.0313
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AUG 17 2004

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DATE: August 17, 2004

TO: Examiner Raymond Alejandro
TC Art Unit: 1745

Fax No.: (703) 872 9306

FROM: Charles L. Gagnebin, III

No. of pages transmitted
(including this page): 3

Our File: VER-153XX

Time:

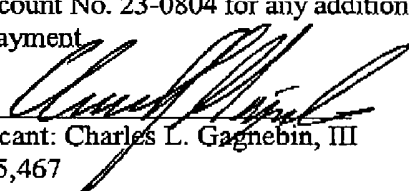
Your Ref:

Sent by: Rose

Application No. 09/980,106

Filed Date: April 9, 2002

Confirmation No.: 1182

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐
MESSAGEPLEASE DELIVER DIRECTLY TO:
EXAMINER Raymond Alejandro, Tel. (571) 272 1282
TC ART UNIT NO: 1745**FOR ENTRY**Enclosed for filing please find a: **Notice of Appeal**The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
filing fees associated with this communication or credit any overpayment
Attorney for Applicant: Charles L. Gagnebin, III
Registration No. 25,467

310209-1

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AUG 17 2004

Application No.: 09/980,106
Filed: April 9, 2002
TC Art Unit: 1745
Confirmation No.: 1182

Rev 06/04

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

OFFICIAL

Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: August 17, 2004

Attorney

Docket No.: VER-153XX

Sir:

In re application of: Anton Scholten et al

Entitled: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT

Transmitted herewith is a Notice of Appeal in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on _____ per §1.116.
- ☐ A Petition for Extension of Time for a _____ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the differential cost of same (\$) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:

| CLAIMS AFTER AMENDMENT: | MINUS PRIOR PAID CLAIMS: | EQUALS PRESENT EXTRA CLAIMS: | RATE: | ADDITIONAL FEE: |
|---|--------------------------|------------------------------|--------------|-----------------|
| Independent | 4 - 5 | = 0 | x \$86.00 = | -0- |
| Total | 4 - 28 | = 0 | x \$18.00 = | -0- |
| <input type="checkbox"/> Multiple Dependent Claims (1st presentation) | | | + \$290.00 = | -0- |
| SUBTOTAL ADDITIONAL FEE | | | | -0- |
| Small Entity filing, divide by 2. Small Entity status must be asserted. | | | | N/A |
| TOTAL ADDITIONAL FEE | | | | -0- |

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Raymond Alejandro, TC Art Unit 1745, Fax No. (703) 872 9306, on 8-17-04.

SUBMIT IN TRIPLICATE

CLG/raw 310196-1


 Attorney of Record: Charles L. Gagnebin, III
 Registration No.: 25,467

09/980,106
Filed: April 9, 2002
TC Art Unit: 1745
Confirmation No.: 1182

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: August 17, 2004

Attorney
Docket No.: VER-153XX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Anton Scholten et al.

Entitled: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT

VIA FACSIMILE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 9, 2004 of the Examiner finally rejecting claims 1-4, 8, 11 and 14-19.

Authorization is provided herewith to charge Deposit Account No. 23-0804 in the amount of \$330.00 to cover the Notice of Appeal fee.

The following checked items are appropriate:

A timely response to the final rejection:

☒ [X] has been filed on 7/15/2004 ☐ [] is hereby filed

An extension of time to respond to the final rejection:

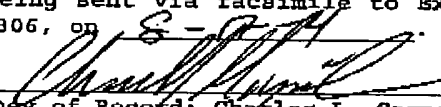
1. ☒ [X] was requested on August 5, 2004 for 3rd month;
2. ☐ [] is hereby requested for ___ month(s) and a check in the amount of \$ _____ for the extension fee is enclosed.
3. ☐ [] is included on the enclosed amendment transmittal form along with authorization to the Deposit Account for associated extension fee.

☒ [X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

☐ [] The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Raymond Alejandro, TC Art Unit 1745, Fax No. (703)872-9306, on 8-17-04.

SUBMIT IN TRIPLICATE
CLG/raw 310195-1


Attorney of Record: Charles L. Gagnebin, III
Registration No.: 25,467